

R E M A R K S

Claims **36 - 48** are pending

Claims **36, 45 and 48** are independent.

RCE

A Request of Continued Examination is filed herewith.

Claim Amendments

Independent claim **36** has been amended to recite:

determining a price associated with a lottery ticket having a lottery number combination based on an expected value to a player of the lottery ticket having the lottery number combination

Thus, each of dependent claims **37 - 44** includes this limitation as well.

Section 103 Rejections

Claims 36 - 44 distinguish over Double Lotto. For example, the Examiner has characterized Double Lotto as follows:

"The Washington State Lottery introduced a game entitled "Double Lotto." The lottery agent receives a request from a player to purchase a lottery ticket for a pari-mutuel lottery game. Players can pay \$2 for a ticket instead of the regular \$1 per ticket price. By paying the extra dollar players automatically double the prize amount if they win. Consequently, the price of the ticket is determined based on the expected value associated with the lottery ticket, i.e. the price of the ticket is doubled based on doubling the expected value of doubling the jackpot [claim 36]."

Office Action, page 3.

Double Lotto does not suggest that a price of a ticket is determined based on the expected value of a ticket with a certain lottery number combination. For example,, as described in the present application, when many people select a particular lottery number combination, the expected value of that lottery number combination is lower when compared with, e.g., a lottery number combination selected by only one person.

In fact, no reference cited by the Examiner suggests such a limitation, or the benefits of such a limitation.

NEW CLAIMS

Applicants believe that new claim **45** corresponds substantially to issued claim 1 of U.S. Patent No. 6,688,976 (which issued from the parent application to the present application).

Applicants believe that new claim **46** corresponds substantially to issued claim 10 of U.S. Patent No. 6,688,976.

Applicants believe that new claim **47** corresponds substantially to issued claim 12 of U.S. Patent No. 6,688,976.

Applicants believe that new claim **48** corresponds substantially to issued claim 33 of U.S. Patent No. 6,688,976.

A terminal disclaimer over commonly-owned U.S. Patent No. 6,688,976 is filed herewith.

Conclusion

For the foregoing reasons it is submitted that all of the claims are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Dean Alderucci at telephone number 203-461-7337 or via electronic mail at Alderucci@WalkerDigital.com.

Respectfully submitted,



Dean Alderucci
Attorney for Applicants
Registration No. 40,484
Alderucci@WalkerDigital.com
203-461-7337 / voice
203-461-7300 / fax

September 24, 2004
Date